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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2801

December 18, 2009

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The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**2100**

Dear Chairman Genachowski:

I'm writing in response to the Commission's November 25th notice that invited proposals from entities seeking to be designated TV Band Device Database Managers. To the extent that this notice is intended to provide robust interference protection for incumbent broadcast and wireless microphone transmissions in the TV Band, I am pleased to see progress being made at the Commission.

However, I am concerned that some of the white space device stakeholders who have provided recent comment to the Commission view database eligibility in an unduly narrow fashion. To suggest that database eligibility be contingent on existing licensed operation in the Band is to, in effect, jeopardize the professional audio quality at arenas, stadiums, theaters, and Houses of Worship across the country. Audio interference at a theater performance, a concert, or at a corporate convention is unacceptable, yet these are very real risks unless the Commission adopts a more reasoned and thoughtful view of database eligibility, including eligibility for several categories of professional wireless microphone use.

At a minimum, I would strongly recommend that the Commission extend database eligibility to wireless microphone operations at arenas, convention centers, education facilities, government facilities, houses of worship, lodging facilities, stadiums, and theaters.

Ultimately, I share the Commission's view that broadband deployment is a critical driver to economic growth in this country. In reaching this objective, however, adopting policies that would do significant production harm to the content that is delivered over these broadband devices makes little sense and could cause irreparable harm to regional economies, like Las Vegas, that are largely dependent on live entertainment for jobs and economic activity.

If you have any questions, please feel free to contact Carrie Fiarman in my office at (202)225-5965 or carrie.fiarman@mail.house.gov. Thank you for your consideration.

Sincerely,

  
SHELLEY BERKLEY  
Member of Congress



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

March 3, 2010

The Honorable Shelley Berkley  
U.S. House of Representatives  
405 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Berkley:

Thank you for your letter concerning the Commission's *Public Notice* inviting proposals from entities seeking to be designated as a TV band device database manager. I appreciate your comments on the potential effects of this proceeding on the range of live activities at venues using wireless microphones.

The Commission has two pending proceedings that address the operation of wireless microphones in the TV bands. In its *Second Report and Order* in ET Docket No. 04-186, the Commission adopted rules that require future unlicensed TV band devices to protect wireless microphones operating in the TV bands from interference. The rules permit the channels and locations where wireless microphones are used to be registered in the TV band device database, and require TV band devices to avoid operating on the same channel within a specific distance of the registered wireless microphones. The issue of whether only licensed users should be permitted to register wireless microphones in the TV band device database was raised in a Petition for Reconsideration of the TV white spaces rules. I anticipate that the Commission will address the Petitions for Reconsideration in this proceeding this spring.

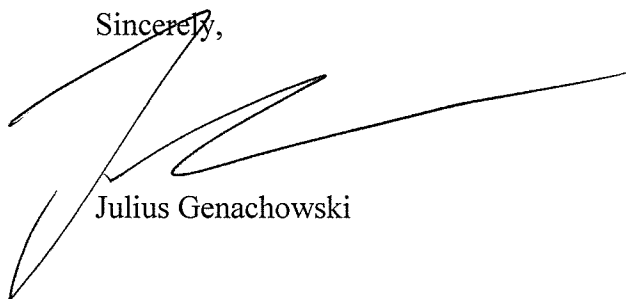
The second proceeding, WT Docket No. 08-166 and 08-167, addresses in part a petition concerning non-licensed use of wireless microphones in the TV bands. Parties have filed comments in this proceeding requesting that the Commission expand the categories of users eligible for a license to operate wireless microphones in the TV bands. On January 14, 2010, the Commission adopted a *Report and Order and Further Notice of Proposed Rulemaking* in this proceeding establishing a process for wireless microphones to vacate the 700 MHz band, and proposing new rules to expand the current provisions for wireless microphones.

In its deliberations in these proceedings, the Commission will consider the relationship between TV band devices and the eligibility of parties to operate wireless microphones in the TV bands – and to register those devices in the TV band device database. In so doing, the Commission will strive to balance the spectrum needs of users of both types of devices. We will include your letter in the record for these proceedings and consider your concerns carefully.

Page 2—The Honorable Shelley Berkley

Thank you for your interest in this important matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Julius Genachowski.

Julius Genachowski